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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

LINDA FRANULOVIC, individually and on) CIVIL NO. 1:07-cv-00539-RMB-JS
behalf of a class of persons,)
)
 Plaintiff,) CLASS ACTION
)
 v.)
) Document Electronically Filed
THE COCA-COLA COMPANY,)
)
 Defendant.)

**DEFENDANT'S NOTICE OF MOTION FOR LEAVE TO FILE SUR-REPLY TO
PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR CLASS CERTIFICATION**

To: Mark R. Cuker
Williams Cuker Berezofsky
Woodland Falls Corporate Center
210 Lake Shore Drive East
Suite 101
Cherry Hill, New Jersey 08002-1163

Stephen Gardner
Director of Litigation
Center for Science in the Public Interest
5646 Milton Street
Suite 211
Dallas, Texas 75206

PLEASE TAKE NOTICE that on April 6, 2009 the undersigned counsel for Defendant The Coca Cola Company (“TCCC”) shall move before the United States District Court for the District of New Jersey for an Order granting leave to file a Sur-Reply Brief in Opposition to Plaintiffs’ Motion for Class Certification in the form attached hereto. In support thereof, TCCC shall rely upon the Brief and Proposed Order submitted herewith.

PLEASE TAKE FURTHER NOTICE that the within application is made upon the papers, and unless opposition papers are filed, nor oral argument is requested.

Dated: March 10, 2009

/s/ Peter J. Boyer
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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of DEFENDANT'S NOTICE OF MOTION FOR LEAVE TO FILE SUR-REPLY TO PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR CLASS CERTIFICATION, Supporting Brief, Proposed Order and this Certificate of Service to be served by the Court's CM/ECF system this 10th day of March 2009, upon Plaintiff's counsel of record:

Mark R. Cuker
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BY: /s/ Peter J. Boyer
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